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6  
7 **UNITED STATES DISTRICT COURT**  
8  
9 **DISTRICT OF NEVADA**

10 TISSUE REGENERATION  
11 TECHNOLOGIES, LLC and GENERAL  
12 PATENT, LLC,

13 Plaintiffs,

14 v.

15 MALE PERFORMANCE MEDICAL  
16 PARTNERSHIP, LLC; MEDICAL  
17 PARTNERSHIP, LLC; R. BAXTER  
18 TEEGARDEN; LEONARD MESSINA;  
19 RICHARD NEISWONGER a/k/a RICK  
CHARLES; LAS VEGAS MALE  
PERFORMANCE CLINIC; and PEAK  
HEALTH GROUP LV LLC,

Defendants.

Case No.: 2:18-cv-1914

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME TO ANSWER  
OR OTHERWISE RESPOND TO THE  
COMPLAINT**

**(Ninth Request)**

20 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rule 1A 6-1, Plaintiffs  
21 Tissue Regeneration Technologies, LLC and General Patent, LLC, (collectively, "Plaintiffs") and  
22 Defendants Male Performance Medical Partnership, LLC, Medical Partnership, LLC, Leonard  
23 Messina, and Las Vegas Male Performance Clinic (collectively, the "Messina Defendants" or  
24 "Defendants"), by and through their respective counsel of record, Weide & Miller, Ltd., on behalf  
25 of Plaintiffs, and the Law Offices of Philip A. Kantor, P.C., appearing on behalf of the Messina  
26 Defendants, hereby agree and stipulate for an extension of time for the Messina Defendants to file  
27 and serve their answer or other responses to the Complaint from the current deadline of September  
28 3, 2019, up to and including November 1, 2019. This is the ninth request by the parties for such

1 an extension.

2 Good cause for this request exists to provide the parties with time to continue in good faith  
3 settlement discussions in this complex patent infringement litigation. On December 19, 2018,  
4 former counsel for the Messina Defendants notified the Court that they had been terminated and  
5 moved to withdraw as counsel. *See* ECF No. 17 (Howard & Howard Attorneys PLLC and  
6 Jonathan W. Fountain's Motion to Withdraw as Counsel).

7 On or about January 3, 2019, the undersigned counsel for the Messina Defendants agreed  
8 to be retained on the representations of the undersigned counsel for Plaintiffs that Plaintiffs would  
9 agree to the prior order to permit the newly retained counsel for the Messina Defendants time to  
10 assess the case before having to respond to the Complaint. Subsequent to that extension, the  
11 undersigned counsel for the Messina Defendants commenced discussions with Plaintiffs' counsel  
12 to explore the potential to resolve the matter.

13 On March 7, 2019, the Court granted the parties request to extend the deadline for  
14 Defendants to respond to permit Plaintiffs' counsel to engage in discussions with subject matter  
15 experts on issues related to the patents prior to requiring Defendants to answer or respond. *See*  
16 ECF No. 27. While this was only the first extension since the Messina Defendant's retention for  
17 their current counsel, it was the fourth request from the commencement of the action. The purpose  
18 of that extension was to provide a window for the parties to continue settlement discussions. *Id.*

19 On March 27, 2019, the parties requested an additional extension to afford Plaintiff's  
20 additional time to conclude discussions with subject matter experts and follow-up with counsel  
21 for Defendants. That occurred, but at a date too near the present deadline to permit Defendants  
22 to assess the same or for the parties to otherwise conclude negotiations.

23 On April 25, 2019, the parties again requested an additional extension through June 14,  
24 2019 to allow time for the Defendants to answer or otherwise respond to the complaint to permit  
25 Defendants to consult with their counsel on Plaintiffs' proposal and to thereafter continue to  
26 engage in efforts to assess whether a resolution of the dispute could be achieved. *See* ECF No.  
27 31. The additional time resulted in a further substantive analysis by Defendants, which Plaintiffs  
28 are now considering. In the course of such consideration, on May 17, 2019, Plaintiffs filed their

1 First Amended Complaint. See ECF No. 32.

2 At the time of the June 14, 2019 deadline, the parties realized more time would be required,  
3 but Plaintiffs' counsel was unable to obtain timely authorization of an extended deadline and,  
4 consequently, agreed to a brief extension of the deadline for Defendants to answer or otherwise  
5 respond to the Amended Complaint through June 28, 2019, which the Court "so ordered" on June  
6 17, 2019. See ECF No. 36. The parties agreed to an extended deadline through September 3, 2019  
7 with the expectation that they will be able to resolve the case within this time period.

8 The parties have yet to resolve the case, however, based on the due diligence involved and  
9 the need to work out terms for settlement they have agreed to extend the time for Defendants to  
10 answer or otherwise respond to the complaint to permit Defendants to consult with their counsel  
11 on Plaintiffs' proposal and to thereafter continue to engage in efforts to assess whether a resolution  
12 of the dispute can be achieved.

13 For the foregoing reasons, the parties hereby stipulate to extend the deadline for the  
14 Messina Defendants to answer or otherwise respond to the Complaint from September 3, 2019,  
15 to November 1, 2019.

16 DATED: August 29, 2019.

17 **IT IS SO AGREED AND STIPULATED:**

18 **WEIDE & MILLER, LTD.**

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25 **IT IS SO ORDERED:**

26   
27 CLAYTON F. ZOUCHAL  
UNITED STATES MAGISTRATE JUDGE  
28 DATED: August 30, 2019